

**SAN JOAQUIN COUNTY BOARD OF EDUCATION
GAYLORD A. NELSON ADMINISTRATION CENTER / BOARD ROOM
2922 TRANSWORLD DRIVE, STOCKTON, CA
OCTOBER 19, 2022 / 12:00 P.M.
REGULAR MEETING
MINUTES**

PRESENT: Vernon Gebhardt, President; Ken Vogel, Board member; Janet Dyk, Board member; Greg Clark, Board member; Troy Brown, Secretary.

ABSENT: Douglas Vigil, Board member.

OTHERS PRESENT: Scott Anderson, Deputy Superintendent; Janine Kaeslin, Associate Superintendent; Brandie Brunni, Assistant Superintendent; Sean Morrill, Assistant Superintendent; Jane Steinkamp, Assistant Superintendent; Christina Torres-Peters, Chief Human Resources Officer; Lauren Dietrich, Peter Foggiato, Lisa Neugebauer, Marlene Flau, Brandie Moore, SJCOE staff; Phillip Hon, Unbound Stockton Community School Charter; members of the community; Lisa Bryant, Recorder.

I. CALL TO ORDER:

President Gebhardt called the meeting to order at 12:00 p.m., and Board member Vogel led the Pledge of Allegiance.

II. ADDITIONS TO THE AGENDA: There were no additions to the agenda.

III. COMMENTS: There were no comments from the audience.

IV. PUBLIC HEARING:

1. **Charter School Petition Appeal:** President Gebhardt called the public hearing to order and requested public input relative to the Unbound Stockton Community School Charter petition appeal, which has been submitted to the San Joaquin County Board of Education for approval.

Associate Superintendent Janine Kaeslin reported that the San Joaquin County Board of Education received the Unbound Stockton Community School Charter petition appeal on August 23, 2022, and shared that she will lead the committee of San Joaquin County Office of Education (SJCOE) staff to review the petition appeal according to Assembly Bill 1505 and Education Code. The SJCOE will publish the recommendations 15 days prior to the December San Joaquin County Board of Education meeting. Ms. Kaeslin introduced the lead petitioner for Unbound Stockton Community School, Philip Hon.

Mr. Hon shared a PowerPoint presentation before the Board. The presentation provided an overview of Unbound Stockton Community School and highlighted their three primary commitments to integrated community, enduring success, and community participation for their 4th-8th-grade model. He shared that Unbound Stockton Community School has a unique fully inclusive school model with a robust and detailed recruitment plan to include students from all neighborhoods having diverse student participation. Mr. Hon shared that teachers will inspire curiosity, critical thinking, and deeper learning through their interdisciplinary course and student-driven exploration and choice. Students will be exposed to non-profits, civic organizations, and businesses, where they will apply the knowledge and skills learned in the classroom, which has been demonstrated through 12 curricular

pilots. To lessen the impact on surrounding districts, the student enrollment plan for year one has been scaled back not to exceed 120 students. Mr. Hon confirmed that Unbound Stockton Community School is fiscally sound and is preparing to lease Trinity Lutheran Church.

In closing, Mr. Hon shared a list of Unbound Stockton Community School's partnerships, along with signatures of support and leaders' support.

Public comments were heard and alternated between those in support and those opposed to the Unbound Stockton Community School Charter petition appeal. Each group was given three (3) minutes totaling 15 minutes collectively, to speak.

Jason Miller: I am with a law firm out of Sacramento that works with Charter Schools. I have almost 20 years of legal experience in charter development, and Unbound is one of the most comprehensive charters I have ever reviewed. They are mission and vision driven, research-based, and have a dynamic team with experience. Unbound has an intentional plan to serve the entire Stockton community and would be a great school to add to the County.

Dr. Jason Murphy: Stockton Unified School District's Director of Research and Accountability Dr. Jason Murphy read a letter that was submitted electronically on October 18, 2022, to boardmeetings@sicoe.net. The letter in its entirety is included below with other comments submitted electronically.

H. Horton: I am with Trinity Lutheran Church of Stockton. We are celebrating 100 years of continuous support to the Stockton community, and we are excited to work with Unbound on a lease agreement for our facilities. We first opened a school in 1911 and currently lease our facilities to Aspire Charter School. We look forward to continuing that operation with Unbound.

Silvia Cantu: I am a sixth-grade teacher at George Washington Elementary School. Stockton Unified School District has at least eight independent charters and over 40 schools that are not charters. Washington Elementary School supports the community and has multiple programs to support students, including the Edible Schoolyard. I took my students there this year. Washington has 107 Latino students. We believe we need to create and adapt an environment that fosters success. Lifelong skills are fostered through AVID and many other ways. On page 14 of the petition, they said they would not impact the districts, but it would impact Washington Elementary School. It could possibly close it.

Bob Gutierrez: I am the senior vice chairman of the California Hispanic Chamber of Commerce, and I encourage you to go back to the video that was shared about kids creating their own futures. We need more imagination in education. That is what is going to build our tomorrow. We need kids to stay focused on what they want to be tomorrow. This helps students seek that out. The chamber supports that through our CASP program.

Felice Perez: I am the president of the Stockton Teachers Association, and I worked in Stockton Unified School District before this. There are concerns that the petitioner is unlikely to serve the interest of the entire community. The school model is highly dependent on the teacher residency program that is not well described. It makes no mention of applying for residency or the requirements. It says the residents will only be paid \$10,000.00 per year. We are in a teacher shortage, but they are not paying appropriately, and they added 30 days. The pay is about 15 percent lower. Student recruitment plans only include signatures from 30 people that have students to support the school in the first year of operation. The unusual grade span of 4th-8th-grade will make it difficult for recruitment because parents are reluctant to pull students after the 3rd grade. There are SUSD schools in that area. They would be competing for enrollment as Ms. Cantu mentioned.

Rochelle Brown: I moved to Stockton in December of 2021. I am a mother of three and homeschool. I opened a consignment store that uplifts minorities in the Stockton community. I learned of Unbound through the Edible Schoolyard page where they taught kids how to garden and cook the food they grow. It made me want to sign my kids up. I learned that Unbound has a similar philosophy where all kids have equal opportunity. We started the Makers Made field trips where students visited local

creative businesses. They learned behind the scenes how the businesses were run. This could be a game changer for students in the city who want to be challenged academically. This is how kids like my own want to learn. It is a school I hope I can send my three homeschooled students because it aligns with my beliefs. It will open opportunities for them. I ask that you approve it.

Dr. Christopher Anderson: I am the Vice President of the Stockton Teachers Association. They tried to circumvent us a couple of years ago, and here they are once again trying to force themselves on our district. They aren't held to the same standards a district is held to. Stockton Unified School District has highly trained teachers and great schools with a diverse population. We need to support public education. This will drain a district of resources that is already struggling. SUSD already has too many charters schools.

Sentesa Kironde: I have been an educator in the city for eight years as a para-educator. I am part of a program that represents the deep cultural history of Stockton. Our mission is aligned with Unbound, so it was perfect to partner with them last summer for the Makers Made camp. I saw kids learn about art and music with joy. It was great to see the diverse music they were creating. Unbound highlighted community learning while also giving students a choice. There is value in the students learning experience. Students got to hear from diverse local businesses which also allowed them to share their ideas in a business environment. It really answers what the community needs. I am inspired to apply for the TCSJ residency when it becomes available so that I can work hand in hand with Unbound. I encourage you to support Unbound.

John Ortiz Sr.: I am with a youth mentorship organization. I have four students in Stockton Unified School District, and my wife teaches in Stockton Unified. My son told me our present dictates our future. He wants to attend Unbound. He skipped a grade and is uniquely different. We knew he wouldn't go to a traditional school like his brothers. He attended the summer camp and met friends. As a youth representative, it inspired me to reach out to them and talk about a partnership. We have learned every child is different as we saw through the pandemic with virtual learning. This is a time for us to step up and step in. Now is the time to do things differently and make sure we serve all our students individually. I love Stockton Unified, but that is just one avenue of learning. I encourage you to approve.

James Fort: I am reading a statement on behalf of Sarah McCartney, mother of five children. "My family moved here during the pandemic. We had to choose new schools. I learned about Unbound before I moved. I felt like I had one anchor to help us acclimate. Unbound offered free virtual field trips to help two of my children." Sarah McCartney joined the meeting and spoke for herself from this point. Stockton Unified School District said it is going to be a competing school. It is not competing. I could not get my kids into any of the Stockton Unified charter schools because of a waitlist. I didn't find out until after school started that one of my kids got in, and I am spending a lot of money on private schools. I wonder if SUSD even read the proposal because what they said is not true.

Comments submitted electronically are included in the minutes verbatim:

Dr. Jason Murphy, Stockton Unified School District, Director of Research and Accountability:

Introduction

- Good Afternoon, members of the San Joaquin County Board of Education.
- My name is Dr. Jason Murphy, Director of Research and Accountability, for the Stockton Unified School District.
- Also present today on behalf of the District are Dr. Susana Ramirez, Interim Assistant Superintendent of Education Services; and John Yeh of Burke, Williams & Sorensen, legal counsel.

Background

- On August 23, 2022, Stockton's Board of Education denied the Petition to form the Unbound Stockton Community Charter School.

- The vote was 7-0.
- The District complied with all required procedures, including conducting a public hearing on July 12, 2022, and posting its recommendations on August 8, 2022.

Findings

- In denying the petition, the Stockton Board made three primary findings on the petition.
 - First, the Petition was ambiguous as to the charter school's elected special education model, resulting in a misstatement of the allocation of service obligations between the authorizer and the charter school.
 - Second, the charter school was demonstrably unlikely to serve the interests of the entire community served by the District, would have further increased the District's negative fund balance, and would also have substantially undermined existing services and programs operated by both the Stockton district, and by charter schools operating in the District.
 - Third, the Petition violated the requirement that the charter school's pupil demographic profile reflect the general population of the school district in which it is located.
- In fact, the Petition contained explicit "diversity demographic goals" that aspired to enroll a lower percentage of Latino/Hispanic students, African-American students, English Learners, and Socioeconomically Disadvantaged students than the District.
- The Board's findings were contained in its 26-page Resolution, totaling 119 pages, including exhibits.

Conclusion

- Based upon the above findings, the Stockton Board denied the Unbound Stockton Petition because it failed to contain a reasonably comprehensive description of each required element; because the Petitioners are demonstrably unlikely to successfully implement the program; and because the charter school is demonstrably unlikely to serve the interests of the entire community served by the District.
- AB 1505 amended the Education Code to allow school districts to base a denial of a petition on the impact on existing programs, and the District's fiscal health.
- AB 1505 also allows districts to determine whether a proposed charter school would serve the entire community served by the District.
- The Unbound Stockton petition expressly stated the Petitioners' aspiration not to do its fair share in serving all of Stockton's community, especially those who have been traditionally underserved.
- The Stockton District values all of our students, and believes that they all deserve our best efforts, and challenges anyone who wishes to share in the privilege of educating our children to share that commitment.

Clare Crawford, Senior Policy Advisor, In The Public Interest:

I am writing in opposition to the Unbound Stockton Charter Petition, which the Stockton Unified School District (SUSD) unanimously voted to deny. While proposing an ambitious plan, the petition has numerous deficiencies, and the authorization of the charter school would have serious negative impacts on existing students in SUSD. We believe the petition presents an unsound educational program, that the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition, and that the charter school is demonstrably unlikely to serve the interests of the entire community in which it is proposing to locate.

Unbound Stockton is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate {Education Code 47605(c)(7)}.

Of great concern is the negative fiscal and programmatic impact the proposed charter school would have on Stockton Unified Students. As the SUSD staff report indicates, authorization of the proposed charter school could result in losses of over \$14 million dollars to the district over the term of the charter.

As the SUSD staff report also raises, the proposed charter school offers duplicative programming to what is already available in the district and in other charter schools in the area. The charter petition itself includes a list of SUSD schools that provide similar programs and have space available to students. Given the fiscal challenges already facing SUSD, opening a new charter school with duplicative programming could lead to strain on those very programs, and force the district to cut these important programs. The intent of AB 1505, the new legislation that created Education Code section 47605(c)(7), was created specifically to allow districts to prevent exactly this type of situation.

AB1505 was intended to give the authority to districts to take into consideration the impact authorizing a charter school would have on *all students* in the district, not just those students who would attend the proposed school. The charter is clearly demonstrably unlikely to serve the interests of the entire community, due to duplication of existing programs that are documented in the petition itself, and through the negative fiscal impact outlined in the SUSD staff report.

Unbound Stockton presents an unsound educational program, and is demonstrably unlikely to successfully implement the program set forth in the petition

While the petition provides very ambitious goals and likely good intentions, the program as presented appears to have serious issues in both the design and in the ability to implement the program. Of great concern is the school's student recruitment plans for several reasons. First, while it is an admirable concept, the school's intentional diversity by design seems unattainable, and as described would potentially have the effect of excluding Latino students, who make up 75-80% of students in many Stockton Schools. As the staff report points out, they chose an inappropriate geography to establish their diversity goals. Even looking at the area the petitioners identify, the under-18 general population, from which they would be recruiting students, is not reflective of the goals they state, and again would require under-enrollment of Latino students to achieve the racial balance they propose. Second, the unusual grade-span of 4-8 will make recruitment difficult, as most parents are not contemplating switching their child's school after third grade. Finally, the petitioner intends to locate near two other charter schools that serve the same grades (but in grade-spans more aligned with other area schools) as well as the SUSD schools in the area. The petitioner would be competing for enrollment with already well-established charter and district schools.

The educational program presented raises many questions about the feasibility of implementation. While they propose multiple programs and supports for students, the petition seems to rely on the Affinity Learning Time Blocks for almost all these supports and programs to be implemented, without a clear explanation of how. There seems to be significant reliance on students directing their own work, with an entire lunchtime club program, for example, that appears to have only one staff person assigned to oversee a school wide initiative, with the rest of the program run by students. This complex program is proposed to be overseen by the Director of Learning, who is only required to have three years of experience, according to the materials submitted in the petition. The petition also includes admirable ideas about building links in the community through a Friday program with community partners, but there is very little detail about how this will be implemented, whether the community partners they identify to work with students will be required to have background checks, whether they are compensated for the program, etc.

The petition identifies three categories of students with disabilities that they intend to focus on (students with autism, hear impaired, students with dyslexia). There is not a clear explanation of how this focus would not result in exclusion or deterrence of students with other disabilities (including many more severe disabilities). Additionally, while they propose to focus on recruitment of deaf or hearing impaired students, there is nothing clearly in the budget or staffing plan to support those students.

Following a thorough analysis by the SUSD staff, that board made a sound decision to deny this charter petition. We urge the San Joaquin County Board of Education to deny this appeal.

There being no further comments, President Gebhardt closed the public hearing.

V. ITEMS SCHEDULED FOR INFORMATION:

2. Williams Uniform Complaints Quarterly Report: Superintendent Brown presented the quarterly report that indicates there were no uniform complaints filed regarding the schools and programs operated by the San Joaquin County Office of Education between mid-July and mid-October.

VI. ITEMS SCHEDULED FOR ACTION:

3. Minutes: On a motion from Janet Dyk, second by Ken Vogel, the Board approved the minutes from the September 21, 2022, special meeting and regular meeting as presented.

AYES: Gebhardt, Vogel, Dyk, Clark
NOES: None
ABSTAIN: None

4. Resolution #22-23-05 – Adopting 2021 – 2022 Revised Actual Gann Expenditures Limit and 2022 – 2023 Estimated Gann Expenditures Limit: On a motion from Ken Vogel, second by Greg Clark, the Board approved this resolution as presented.

AYES: Gebhardt, Vogel, Dyk, Clark
NOES: None
ABSTAIN: None

VII. CLOSED SESSION:

- Interdistrict Transfer Appeal Hearing #13-22-23
- Interdistrict Transfer Appeal Hearing #14-22-23
- Interdistrict Transfer Appeal Hearing #15-22-23

VIII. ITEMS SCHEDULED FOR ACTION (cont.):

5. Interdistrict Transfer Appeal Hearing #13-22-23: The hearing for student #13-22-23 was canceled at the request of the parents.
6. Interdistrict Transfer Appeal Hearing #14-22-23: The hearing for student #14-22-23 was canceled at the request of the parents.
7. Interdistrict Transfer Appeal Hearing #15-22-23: The hearing for student #15-22-23 was canceled at the request of the parents.

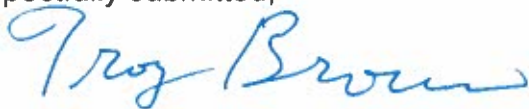
IX. CLOSING COMMENTS FOR BOARD MEMBERS:

- The Annual School Boards Dinner will be held November 3, 2022, at the Great Wolf Lodge. The dinner and program will begin at 6:00 p.m.
- The next regular San Joaquin County Board of Education meeting will be held November 16, 2022, 12:00 p.m., 2922 Transworld Drive, Stockton, CA.

X. ADJOURNMENT:

There being no further business, the meeting was adjourned at 12:55 p.m.

Respectfully submitted,



Troy A. Brown, Ed.D.
Secretary to the Board / County Superintendent of Schools